

ORDINANCE NO. 2016- 17

ORDINANCE ESTABLISHING A BURN POLICY

WHEREAS, the Town Council of the Town of Chalmers, Indiana, desires to establish a burn policy; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHALMERS, INDIANA, THAT:

Section 1: Term Definitions:

- 1) "Burning" will be defined as to be on fire.
- 2) "Trash" will be defined as something readily flammable not emitting toxic or offensive substances or nuisance smoke.
- 3) "Rubbish" will be defined as anything not readily flammable such as, cloth, plastic, etc.
- 4) "Garbage" will be defined as food waste, animal waste or any such materials
- 5) "Yard Waste" will be defined as leaves, grass, branches, tree limbs, etc. ...
- 6) "Construction Waste" will be defined as any residual products and/or waste from any new construction, remodeling or demolition of a structure
- 7) "Hazardous and/or Toxic Materials" will be defined as any substances that will cause any type of smoke emitting substances into the air causing any type of health safety dangers and/or liquid ground contaminating substances. Examples would be tires, any petroleum based products, waste oils, rubber, oily liquids, etc.
- 8) "BBQ Pit, Burn Pit, Fire Rings and Grills" will be defined as any fixed or portable device for food preparation using electricity, natural gas, propane, charcoal or wood products designed for such usage.
- 9) "Unadulterated Wood and Paper" will be defined as wood products without any stain, paint, chemical treatments, glue or any other coverings that will not emit hazardous or toxic smoke when burned.

Section 2: Allowed Burning:

- 1) BBQ Pit, Burn Pit, Recreational Fire Rings and Grills: Fires for the sole purpose of food preparation and personal recreation are permitted. Criteria shall be a total fuel area no

greater than three (3) feet in diameter and a fuel load not to exceed two (2) feet in height. Only Unadulterated Wood is permitted.

2) Ceremonial fires & bonfires: A fire in conjunction with a ceremony, school pep rally, scouting events, religious activities and other similar purposes will require the approval of the Chalmers Town Board. Bonfires shall have a total fuel area no greater than ten (10) feet in diameter and a fuel load not to exceed six (6) feet in height. Only Unadulterated Wood is permitted.

Section 3: Prohibited Burning:

1) No person, business or entity shall burn anything except that which is allowed under Section 2 of the burn ordinance. All other burning is prohibited.

2) Open burning on Public Property is strictly prohibited

3) No burning under Section 2 will be permitted during unfavorable weather conditions such as high winds, extremely dry/drought conditions, air stagnation or at any such time that will create a nuisance to neighbors or the community. Such fires are to be extinguished immediately

4) Burning of Trash, Rubbish, Garbage, Yard Waste, Construction Waste and Hazardous and/or Toxic Materials is strictly prohibited both in the open or in trash barrels.

Section 4: Burning Supervision:

1) All fires must be supervised at all times by a responsible party.

2) Responsible party is required to have a means of fire suppression on site adequate for the size of the fire at all times such as a garden hose connected to a water supply, buckets of water or sand, a fire extinguisher, shovel, etc.

3) All fires must be completely extinguished after use.

Section 5: This ordinance shall provide authority to the Chalmers Community Volunteer Fire Department to go onto private property to extinguish any fire that endangers life, property and/or any structures.

Section 6: This Ordinance shall be enforced by the following persons or entities:

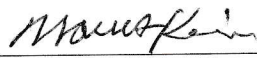
The Chalmers Town Marshall
The Chalmers Town Management
The Chalmers Volunteer Fire Department

Section 7: The Town of Chalmers or designee reserves the right to burn at its discretion during a declared emergency to include any debris, damaged structures, tree limbs/branches, trees or any other waste materials necessary to expedite the return of the Town of Chalmers back to normalcy in the effort to protect the citizens and environment from any further harm. This controlled burn must follow the state regulated burn guidelines.

Section 8: Whoever violates any provision of this ordinance shall be subject to the following penalties: First offense is a warning; Second offense is a \$50.00 fine; Third offense is a \$100.00 fine; and Fourth and subsequent offenses are a \$1,000 fine for each such offense. Each day that such violation shall occur shall constitute a separate violation for which the person shall be subject to a fine. The fine is to be paid to the Chalmers Town Clerk-Treasurer's Office.

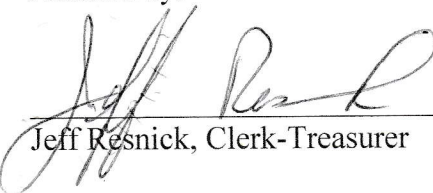
Section 9: Said ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and adopted by the Town Council of the Town of Chalmers on the 26 day of September, 2016.



Marcus King, President

Attested by:



Jeff Resnick, Clerk-Treasurer